

AMENDED IN ASSEMBLY MAY 6, 1999
AMENDED IN ASSEMBLY APRIL 20, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1535

Introduced by Assembly Member Florez

February 26, 1999

An act to ~~amend Section 7000 of, and to~~ add Section 7000.5 to, the Penal Code, relating to prison construction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, as amended, Florez. Prison construction.

Existing law provides that the Department of Corrections shall prepare plans for, and construct facilities and renovations included within, its master plan for which funds have been appropriated by the Legislature. Existing law also specifies that mitigation funding shall be distributed to any local education agency, or any city, county, or city and county as a result of the construction of new permanent prison housing facilities, the activation of temporary beds as part of the Emergency Bed Program, and any future emergency bed expansions by the department.

This bill would require ~~the Department of Corrections to include as part of the master plan~~ *private prisons operating within the boundaries of California to pay a minimum of mitigation for costs incurred by any local education agency, or any city, county, or city and county of \$2,000 for local government and \$2,000 for local schools per inmate added to*

existing facilities or incarcerated in a new facility as a result of the construction of new *state private* prison facilities, expansions of existing *state private* prison facilities, increases in the number of inmates housed in existing *state private* prison facilities resulting in increased inmate housing capacity, or any combination thereof. ~~The bill would specify that mitigation costs shall be \$2,000 for local government and \$2,000 for local schools per inmate added to existing state facilities or incarcerated in a new state facility. The bill would also impose a minimum of mitigation costs of \$2,000 for local government and \$2,000 for local schools on private prisons operating within the boundaries of California in which state prisoners are housed, to be assessed on the same basis as state facilities.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 7000 of the Penal Code is~~
2 ~~amended to read:~~
3 ~~7000. (a) The Department of Corrections shall~~
4 ~~prepare plans for, and construct facilities and renovations~~
5 ~~included within, its master plan for which funds have~~
6 ~~been appropriated by the Legislature.~~
7 ~~(b) The Department of Corrections shall include as~~
8 ~~part of the master plan developed pursuant to this section~~
9 ~~mitigation for costs incurred by any local education~~
10 ~~agency, city, county, or city and county as a result of the~~
11 ~~construction of new prison facilities, expansions of~~
12 ~~existing prison facilities, increases in the number of~~
13 ~~inmates housed in existing prison facilities, or any~~
14 ~~combination thereof. Mitigation costs shall be two~~
15 ~~thousand dollars (\$2,000) for local government and two~~
16 ~~thousand dollars (\$2,000) for local schools per inmate~~
17 ~~added to existing facilities or incarcerated in a new~~
18 ~~facility. For purposes of this section, "local government"~~
19 ~~means the city, county, city and county, or sphere of~~
20 ~~influence within which the facility is located.~~

1 ~~(c) “Master plan” means the department’s “Facility~~
2 ~~Requirements Plan,” dated April 7, 1980, and any~~
3 ~~subsequent revisions.~~

4 ~~(d) This section shall apply to state prison facilities.~~

5 ~~SEC. 2.~~

6 *SECTION 1.* Section 7000.5 is added to the Penal
7 Code, to read:

8 7000.5. (a) Private prisons operating within the
9 boundaries of California shall pay a minimum of
10 mitigation costs of two thousand dollars (\$2,000) for local
11 government and two thousand dollars (\$2,000) for local
12 schools per inmate added to existing facilities or
13 incarcerated in a new facility. For purposes of this section,
14 “local government” means the city, county, city and
15 county, or sphere of influence within which the facility is
16 located.

17 (b) The requirements of this section apply to the
18 construction of new private prison facilities, expansions of
19 existing private prison facilities, increases in the number
20 of inmates housed in existing private prison facilities, or
21 any combination thereof.